

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **RAFAEL MARTINEZ FUENTES**
SSN xxx-xx-0890
LUZ ESTRELLA CORTES TORRES
SSN xxx-xx-8918
Debtor(s)

CASE NO: **21-00098-ESL**

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$4,000.00** Paid Pre-Petition: **\$992.00** Outstanding (Through the Plan): **\$3,008.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$188,753.00 Estimated Priority Debt: \$49.47

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$188,703.53

With respect to the (amended) Plan date: **Aug 11, 2021 (Dkt 40)** **Plan Base: \$192,100.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: **100 + 4.25 %**

The Trustee objects to confirmation for the following reasons:

[1325(a)(6)] Feasibility – Debtor(s) does not has/have the capacity to make proposed plan payments.

Debtor intends to pay in full mortgage with Oriental Bank regarding property if 4 Ponce de Leon, St., Caguas. Most of the funds to be used will come from a torts cause of action currently pending in the Puerto Rico courts. Debtors must inform status of said cause of action and whether or not any settlement offers have been made. This is necessary to determine feasibility of plan.

Furthermore, Debtor is surrendering a commercial property in Monsenor Berrios, St., for which he is receiving rent. Debtor will not be able to make plan payments once said property is foreclosed.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: August 13, 2021

/s/ Alexandra Rodriguez, Esq.

